

REMARKS

Applicants have amended the claims to further clarify and distinguish the present invention over the prior art. Independent claim 1 has been amended to precisely state that the providing of a plurality of users with a unique user ID associated with that URL is done without the need of a service provider or any of the users having to notify any of the users. Thus, it is not the user, the other co-users or the service provider that provides the information necessary for accessing the event share memory image storage location. AOL provides user IDs to its users and more specifically to its users' account. The only way in which other users are made aware of other users' images is for the user to designate to an AOL that certain images may be shared by the other user, in which case, AOL will then provide an appropriate e-mail notifying the recipient of its authorization for access. However, the AOL system does not teach or suggest the system wherein access is provided to an event share memory image storage location by either the service provider or any of the users. In the present invention, there is no requirement or necessity of providing any information by any of the users' service provider for allowing access to the sharing of images. This is novel and not taught and suggested by the prior art.

With respect to the Computer Wire reference, the keeping of albums are done so by each respective customer. There is no teaching or suggestion of providing an event URL wherein each of the users are provided with sufficient information for accessing the event URL as taught and claimed by Applicant. Computer Wire reference still requires some notification either by AOL or by the owner of the album or sharing and access thereto. With regard to claim 23, this claim has been amended to require the use of a transaction card for notifying the plurality users of the access to the event specific URL. This is not taught or suggested by AOL. Claim 33 has also been amended to make it clear that it is not the service provider or any of the plurality users which notify the users of the ability to access the event specific URL.

With regard to the comment made by the Examiner in the Advisory Action with respect to eliminating the need of any of the users having to electronically e-mail or notify other users of passwords for access to the shared images, the Examiner states that this limitation is not present. In this regard,

Applicant respectfully submits that this is indeed set forth by independent claims 1 and 33 specifically. These claims specifically state that the sharing of the images occurs without the need of the service provider or any of the users for notifying the others of access to the stored images. In all of the other independent claims, there is required a transaction card that is provided to each of the group of the users for allowing access. Here again, the transaction card eliminates the need of having to electronically notify any of the other users of the ability to access the images.

With regard to the Carson reference, Applicant respectfully submits that there is no teaching or motivation to modify or combine this reference with any of the other cited references.

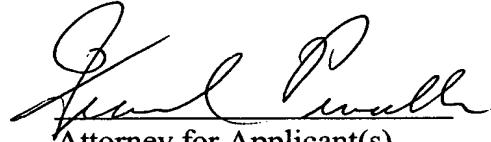
The CAFC in *In re Lee* 277 Fed 3rd 1338 (61 USPQ 2nd 1430) 2002 at page 1433 stated:

“When patentability turns on the question of obviousness, the search for and analysis of the prior art includes evidence relevant to the finding of whether there is a teaching, motivation, or suggestion to select and combine the references relied on as evidence of obviousness” ... “the essential question is whether there is reason to combine [the] references”... “The factual inquiry whether to combine references must be thorough and searching” ... “It must be based on objective evidence of record” ... “a showing of a suggestion, teaching, or motivation to combine the prior art references is an essential component of an obviousness holding” ... “Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references” ... “there must be some motivation, suggestion, or teaching of the desirability of making the specific combination that was made by the applicant” ... “teachings of references can be combined only if there is some suggestion or incentive to do so”.

Applicant respectfully submits that there is no reason or suggestion of modifying the Carson reference with the remaining cited references. The Carson reference is directed to a method for providing telephone services in sale of telephone usage services. This is hardly relevant to the sharing of images at an event URL location as taught and claimed by Applicant. It is respectfully submitted that there is no teaching or motivation to combine the Carson reference with the remaining cited references as they are directed to two totally different and distinct systems.

In view of the foregoing and the arguments presented in Applicant's previous response, Applicant respectfully submits that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/phw
Rochester, NY 14650
Telephone: 585-588-2728
Facsimile: 585-477-4646